

### **REMARKS**

Claims 1-30 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 14 and 23 have been amended as shown at pages 2-5 of the Reply. In addition, claims 3 and 27 have been cancelled.

Applicants' representative thanks Examiner Anderson for the courtesies extended during the telephonic interview conducted on July 21, 2008. Examiner was contacted to discuss the claim rejections under 35 U.S.C. §102(b), 35 U.S.C. §102(e) and 35 U.S.C. §103(a). During the interview a set of proposed amendments were presented to further clarify the distinctions between the cited art and the claims. Examiner indicated that the explanation of the distinctions that were provided overcomes Thomson, *et al.* and that further review was needed to determine if they were distinct over the other cited references. These amendments have been incorporated into the claims as shown above. Examiner indicated that further search and consideration was required to determine if the claims would be allowed over the cited prior art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-8, 10 and 11 Under 35 U.S.C. §102(e)**

Claims 1-8, 10 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Thomson, *et al.* (US 2006/0294098). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Thomson, *et al.* does not teach each and every element the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject claims relate to employing a key performance indicator(KPI) specifying document that can be employed to query an appropriate database and generated a resulting document formatted according the definitions in the KPI document. In particular, independent claim 1 recites *a client device user interface component; a processor component that receives*

*KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI; and a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.*

Thomson, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference discloses a mapping system for drilling down from a first database to a second database, which can be of varying types. The system employs client tools to create a context drill model at the client that defines the query criteria and defines which database to access. However, the context model fails to disclose how to retrieve the KPI or define display definitions of a KPI. The system relies on a separate translation mapping model at the UDS server to determine how to access the data and a separate target report to define how to display the data. The reference does not disclose *a KPI document that identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI*. Therefore, Thomson, *et al.* fails to teach all of the limitations of the subject claim.

In view of the foregoing, applicants' representative respectfully submits that Underwood fails to teach or suggest all limitations of independent claim 1 (and claims 2-8, 10 and 11 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

## **II. Rejection of Claims 12, 13 and 23-30 Under 35 U.S.C. §102(e)**

Claims 12, 13 and 23-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Pokomy, *et al.* (US 2003/0154144 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Pokomy, *et al.* does not teach each and every element the subject claims.

Independent claim 12 recites *means for receiving information associated with user desired KPIs from a client device; means for creating a KPI document based upon the user*

*desired KPIs, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; and means for utilizing the KPI document to query one or more data stores and generate a result document from the query results, and transmitting the result document back to the client device.*

Pokomy, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference discloses a system that automatically pushes manufacturing production KPIs to financial reporting system to produce alerts and reports. The cited paragraphs [0061, 0085, and 0236] discuss KPIs but fail to disclose a KPI document with the features as described in the subject claim. Paragraph [0061] merely makes a general statement regarding the PIPE system automatically generating KPI alerts. Paragraph [0085] states the PIPE data can be combined with other data but fails to provide any details. Paragraph [0236] merely states the PIPE reports can be provided in any format. The reference fails to disclose a KPI document that defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI as recited in claim 12 and thus fails to teach all of the elements of the subject claim.

Independent claim 23 recites *receiving data specifying performance indicators of interest; generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; querying at least one remote data store for metric data based upon database connection data from the KPI document; and generating a result document containing metric data for a plurality of columns related to one or more performance indicators.* As noted *supra*, Pokomy, *et al.* does not disclose a KPI document that is employed as an input to retrieving KPIs that defines query expressions for retrieving the KPI and display definition for the KPI, the display definition including text and graphical display parameters for the KPI and thus does not teach all of the limitations of the subject claim.

In view of the foregoing, applicants' representative respectfully submits that Pokomy, *et al.* fails to teach or suggest all limitations of independent claims 12 and 23 (and claims 13 and

24-30 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 14 and 16-22 Under 35 U.S.C. §102(b)**

Claims 14 and 16-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Underwood (US 6,718,535). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Underwood does not teach each and every element the subject claims.

Independent claim 14 recites *receiving data from a client device specifying KPIs of interest; generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; querying one or more data stores utilizing data provided in the KPI document; and generating a result document from the query results.*

Underwood does not teach or suggest the aforementioned novel features as recited in the subject claims. Underwood discloses an activity framework for an E-commerce system. The cited reference briefly mentions performance indicators at a few location in the specification. However, the sections merely state that performance reports are generated, but fails to disclose the KPI document that is generated and used as a specifying document in order to query the database(s) and generate the result document. For example, column 303, lines 3-6 are cited as teaching this feature. This section states “Each group may have a role in performance management. The Fault management group collects statistics, and generates reports on Key Performance Indicators (KPI’s).” The section clearly does not disclose a KPI document that is used as an input to specify how to retrieve and display the KPIs and generate the resulting performance report. Therefore, Underwood fails to teach all of the limitations of the subject claim.

In view of the foregoing, applicants’ representative respectfully submits that Underwood fails to teach or suggest all limitations of independent claim 14 (and claims 16-22 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

#### IV. Rejection of Claim 9 Under 35 U.S.C. §103(a)

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thomson, *et al.* (US 2006/0294098) in view of Gelvin, *et al.* (US 6,735,630). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Underwood and Gelvin *et al.*, alone or in combination do not teach each and every element of applicants' invention as recited in the subject claim.

A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a "temptation to read into the prior art the teachings of the invention in issue" and instructing courts to "guard against slipping into the use of hindsight" (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

Claim 9 depends from independent claim 1. As noted *supra*, Thomson, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Gelvin *et al* fails to make up for the aforementioned deficiencies of these cited references. Gelvin *et al* discloses a wireless network for integrating access to sensors, controls, and processors embedded in remote equipment. Gelvin *et al.* is silent regarding *a client device user interface component; a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI; and a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.*

In view of at least the foregoing discussion, applicant's representative respectfully submits that Thomson, *et al.* and Gelvin *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claim 1 (and claim 9 that respectfully depends there from),

and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claim 15 Under 35 U.S.C. §103(a)**

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood (US 6,718,535) in view of Thomson, *et al.* (US 2006/0294098). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Underwood and Thomson *et al.*, alone or in combination do not teach each and every element of applicants' invention as recited in the subject claim.

Claim 15 depends from independent claim 14. As noted *supra*, Thomson, *et al.* and Underwood do not teach or suggest *receiving data from a client device specifying KPIs of interest; generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; querying one or more data stores utilizing data provided in the KPI document* as recited in independent claim 14

In view of at least the foregoing discussion, applicant's representative respectfully submits that Thomson, *et al.* and Underwood, alone or in combination fail to teach or suggest all limitations as recited in independent claim 14 (and claim 15 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP597US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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